

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MINT, INC.,

Plaintiff,

-v-

EASTERN CLASSICS and ROCK PAPER
SCISSORS,

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>10-23-09</u>

09 Civ. 8153 (DLC)

ORDER

DENISE COTE, District Judge:

By Order dated September 29, 2009, this case was designated Electronic Case Filing. On October 19, 2009, the Pro Se Clerk's office received defendant Eastern Classics' motion to dismiss for lack of personal jurisdiction and improper venue pursuant to Fed. R. Civ. P. 12(b)(2), (3). Defendant Eastern Classics served the motion to dismiss on plaintiff and co-defendant Rock Paper Scissors on October 16, 2009. In its motion, defendant Eastern Classics represents that it is a sole proprietorship, not a corporation. Defendant Eastern Classics intends to proceed pro se. Because a sole proprietorship is not "a distinct legal entity that is separate from its owner," such an entity may proceed pro se in federal court. See Lattanzio v. COMTA, 481 F.3d 137, 140 (2d Cir. 2007). Accordingly, it is hereby

ORDERED that this case is no longer designated Electronic Case Filing.

IT IS FURTHER ORDERED that defendant Eastern Classics shall file a pro se appearance in the name of "Zhi Xiang Yin d/b/a Eastern Classics."

IT IS FURTHER ORDERED that the following schedule shall apply to the motion to dismiss:

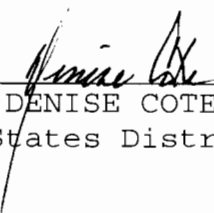
- Plaintiff's opposition shall be due by **November 13, 2009**.
- Defendants' reply shall be due by **November 27, 2009**.

At that at the time any reply is filed, each party shall provide one courtesy copy of all its motion papers to the Pro Se Clerk's office at 500 Pearl Street, Room 230, New York, NY 10007.

IT IS FURTHER ORDERED that the parties will direct all future correspondence relating to this case to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, NY 10007. Documents shall not be mailed directly to Chambers.

SO ORDERED:

Dated: October 23, 2009
 New York, New York



DENISE COTE
United States District Judge